Law Office of Mahir T. Sherif
Mahir T. Sherif (135021)
3376 30th Street
San Diego, CA 92104
Tel: (619) 297-4444
Fax: (619) 297-4115

Attorney for Defendant, Bernal Anthony Mitchell

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(Honorable M. James Lorenz)

UNITED STATES OF AMERICA, Plaintiff, vs. **BERNAL ANTHONY MITCHELL (5),** Defendant.	Case No.: 08-CR-0256-005-L **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DECLARE THE CASE COMPLEX** Date: Time: Hon. M. James Lorenz

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DECLARE THE CASE COMPLEX

I.

STATEMENT OF FACTS

The defendant, BERNAL ANTHONY MITCHELL, and twelve co-defendants are charged in a nine-count, 54-page Complaint, alleging a conspiracy to import methamphetamine and crack cocaine in violation of Title 21, United States Code, Sections 841(a)(1) and 846; possession with intent to distribute in violation of Title 21, United States Code, Section 841(a)(1); and possession of crack cocaine in violation of

Title 21, United States Code, Section 841(a)(1) . The Complaint cites to numerous wiretaps and undercover investigations. Defendant anticipates hundreds, if not thousands, of pages of discovery and numerous CDs of phone calls and photographs. In addition, the Government has indicated that it will be providing line sheets based on wiretaps undertaken in the investigation of this case.

II.

ARGUMENT

The complexity of a case is generally determined based on factors such as the number of defendants, the nature of the charges, and whether "it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within [the usual timeframe]." 18 U.S.C. § 3161(h)(8)(B)(ii). Here, there are numerous defendants allegedly involved in multiple conspiracies. Furthermore, the evidence cited to in the Complaint alone is voluminous and the expected investigation will most certainly exceed the standard within this district. Adequate representation will require additional time.

III.

CONCLUSION

The defendant respectfully requests this Court declare his case complex.

Dated: April 2, 2008 Respectfully Submitted,

By: s/ Mahir T. Sherif, Esq.

MAHIR T. SHERIF (CA Bar No. 135021)
3376 30th Street
San Diego, CA 92104
(619) 297-4444
Fax: (619) 297-4115
mahirsherif@sbcglobal.net

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby declare that this 2nd day of April, 2008, a copy of the foregoing was electronically served via the CM/ECF system.

Dated: April 2, 2008

Respectfully Submitted,

By: s/ Mahir T. Sherif, Esq.

MAHIR T. SHERIF (CA Bar No. 135021)
3376 30th Street
San Diego, CA 92104
(619) 297-4444
Fax: (619) 297-4115
mahirsherif@sbcglobal.net

Attorney for Defendant